

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>3/25/13</u>

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UNITED STATES OF AMERICA :

-v.- : PROTECTIVE ORDER

BYRON ESTRADA, et al., : S9 12 Cr. 859 (VM)
Defendants. :

- - - - -x

VICTOR MARRERO, District Judge:

WHEREAS, defendants in the above-captioned case have sought certain discovery materials from the Government pursuant to Rule 16 of the Federal Rules of Criminal Procedure ("Rule 16"), which contain tax return information; and

WHEREAS, the Government desires to protect the confidential information contained in the materials it produces pursuant to Rule 16(d)(1);

IT IS HEREBY ORDERED THAT:

1. Discovery material produced by the Government in this action that contains tax return information may be designated as "Confidential Material" by labeling the material "UNITED STATES GOVERNMENT - CONFIDENTIAL MATERIAL."

2. Confidential Material disclosed to the defendant or to his counsel ("Counsel"), during the course of proceedings in this action:

(a) Shall be used by the defendant or his or her Counsel only for purposes of this action;

(b) Shall be kept in the sole possession of the defendant's Counsel;

(c) Shall not be reviewed or maintained by the defendant outside the presence of his Counsel;

(d) Shall not be copied or otherwise recorded by the defendant;

(e) Shall not be disclosed in any form by the defendant or his Counsel except as set forth in paragraph 2(f) below;

(f) May be disclosed only by the defendant's Counsel and only to the following persons (hereinafter "Designated Persons"):

(i) investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant's Counsel;

(ii) independent expert witnesses, investigators or advisors retained by the defendant or on his behalf in connection with this action;

(iii) such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and

(g) Shall be returned to the Government following

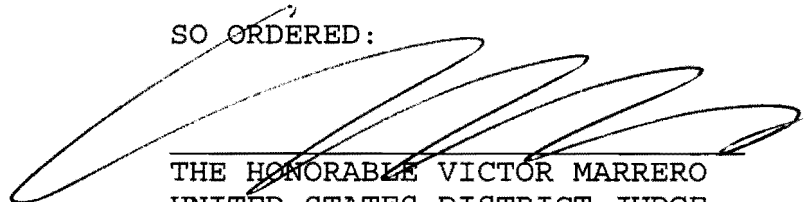
the conclusion of this case together with any and all copies of thereof, or shall be destroyed together with any and all copies thereof, which destruction defendant's Counsel shall verify in writing.

3. The defendant and his Counsel shall provide a copy of this Order to Designated Persons to whom Confidential Material is disclosed pursuant to paragraphs 2(f)(i), (ii) and (iii). Designated Persons shall be subject to the terms of this Order.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate of this Court for purposes of this action.

Dated: New York, New York
March 21, 2013

SO ORDERED:



THE HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

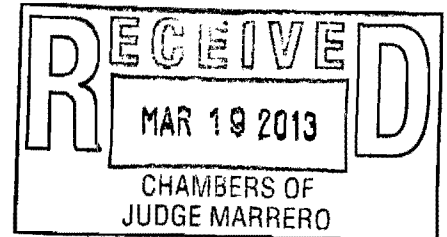
*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 18, 2013

BY HAND

Chambers of Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Chambers 745
New York, NY 10007



RE: United States v. Byron Estrada, et al.
S9 12 Cr. 859 (VM)

Dear Judge Marrero,

Enclosed please find a copy of a proposed protective order in the above-referenced case regarding federal tax return information that the Government intends to seek authority to disclose to the defendants as part of its discovery obligations in this case.

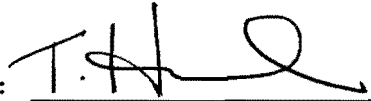
Counsel for defendants Christian Guzman, Santiago Posada, Sebastian Zuleta-Palaez, Jean Carlos Pineda-Zapata, Wendy Sorroza, Oneil Wilson, Elie Marcelin, John Paul Cunto, Deanna Salmon, Katie Hernandez, and Luis Arteaga, Jr., have each reviewed the proposed protective order, and have informed the Government that they have no objection to its entry in force. Counsel for Byron Estrada, Errol Clarke, and Ruben Restrepo-Hoyos, have been provided with a copy of the proposed protective order, and have not informed the Government that they have any objection to the proposed order. In any event, the tax information that the Government seeks to disclose does not include information regarding Estrada, Clarke or Restrepo-Hoyos.¹

¹ All other named defendants in this case are currently in custody in foreign countries pending extradition to the United States. The tax return information that the Government currently seeks to disclose does not include information regarding those defendants.

Accordingly, the Government respectfully requests that the Court enter the proposed protective order regarding federal tax return materials.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: 

Timothy T. Howard/Christopher J. DiMase
Assistant United States Attorneys
(212) 637-2308/2433

Enclosure

cc: Kenneth Paul, Esq. (by electronic mail)
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